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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 42nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 14 April 1998, at 10 a.m.

Chairman: Mr. SELEBI (South Africa)

CONTENTS

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (continued)

STATEMENT BY THE MINISTER OF JUSTICE OF THE DEMOCRATIC REPUBLIC OF THE CONGO

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The meeting was called to order at 10 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 10) (continued)

(E/CN.4/1998/3 and Corr.1, 9, 12-15, 55-67, 68 and Add.1-3, 69-73, 113, 114, 126, 127, 130, 132, 138-140, 142, 143, 147-150, 152 and 154; E/CN.4/1998/NGO/7, 13, 39, 40 and 101; A/52/472, 476, 479, 484, 486 and Add.1/Rev.1, 493, 505, 510 and 522)

1. Mr. van der STOEL (Special Rapporteur on the situation of human rights in Iraq), introducing his report (E/CN.4/1998/67), said that the response of the Government of Iraq to allegations of human rights violations was simply to deny the facts or to seek to excuse itself by blaming the international community for its own oppressive regime and ruthless dictatorship. The situation of human rights in Iraq remained as bad as ever, and there was no sign that the Government intended to take any meaningful steps to improve it. In that connection, he highlighted four specific areas of violations, namely, personal security and integrity, freedom of opinion and expression, forced displacement and the rights to food and health.

2. With respect to the last of those areas, the Government of Iraq had, as the Commission was well aware, persistently chosen to jeopardize the welfare of the Iraqi people by failing to comply with the relevant Security Council resolutions and refusing to cooperate with the United Nations in the "food-for-oil" arrangement. Having finally accepted that arrangement, the Government had repeatedly interrupted oil sales, caused delays and failed to facilitate an effective monitoring system. In order to receive humanitarian assistance, recipients had to comply with a complex registration system. Moreover, while complaining that the quantities of food and medicines under the arrangement were insufficient, the Government had withdrawn subsidies from its own resources. It had also argued that it would be difficult to export enough oil to meet the expanded sales quota. Its real problem was, however, that it would have difficulty in continuing its illegal oil sales.

3. There were many other types of human rights violations taking place in Iraq. According to the Working Group on Enforced or Involuntary Disappearances, Iraq remained the State with the largest number of such disappearances, many of them dating from the occupation of Kuwait, but the Government of Iraq had failed to respond to most of the Working Group's inquiries and had declined to establish any independent mechanism to clarify the cases.

4. He rejected the attacks made by the Government of Iraq on his work and integrity and noted that both the Human Rights Committee and the Committee on Economic, Social and Cultural Rights had recently adopted concluding observations on the situation of human rights in Iraq which were very similar to his own. In that connection, it was significant that the Government

continued to reject his repeated recommendation, supported by the General Assembly and the Commission, that human rights monitors should be stationed throughout Iraq.

5. Mr. SALMAN (Observer for Iraq) said that the Special Rapporteur was merely repeating the same false allegations he had made in previous reports, having become a tool used to besmirch the reputation of the Iraqi Government, as part of the campaign of hostility led by the United States of America and the United Kingdom. The sources of information on which the Special Rapporteur relied were known for their hostile attitudes towards the Iraqi Government and for their aim of overthrowing the legitimate regime in Iraq, in violation of the right of the Iraqi people to self-determination.

6. With regard to the so-called "prison cleansing campaign" and the mass executions in prisons, the Special Rapporteur had distorted the facts by giving the impression that they were political executions carried out without due process of law. In fact, the sentences were carried out on ordinary criminals and murderers who had been convicted according to the law. If the Special Rapporteur had had even a minimum of objectivity, he would have mentioned the two immunity decisions issued by the President in February 1998 which extended to all Jordanians or Arabs convicted or arrested and ensured their repatriation.

7. As for his allegations concerning forced displacement in Kurkuk province, neither forced displacement nor forced relocation had taken place, and civilians in the area were leading normal lives. The allegations of non-separation of powers in Iraq were inaccurate and absolutely unacceptable. The Constitution and the laws ensured the independence of the executive, legislative and judicial branches.

8. The Special Rapporteur had devoted a considerable portion of his report to the comments of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights on the periodic reports of Iraq submitted at the end of 1997. His Government attached great importance to meeting its international obligations and desired to cooperate with the United Nations human rights mechanisms. Regrettably, however, its sincere efforts had been met with offence and slander. Such behaviour would not encourage the States parties to the International Covenants on Human Rights to submit their reports in the future.

9. His Government had not rejected the proposals of the Secretary-General submitted to the Security Council in March 1998, as the Special Rapporteur asserted. It had, in fact, agreed to increased oil sales, but a technical study of its production and transportation capabilities had revealed that it was unable to meet the required increase in oil production, unless funds were allocated for spare parts and equipment to repair the infrastructure.

10. The Special Rapporteur had deliberately ignored the real cause of the human rights problem, namely, the ongoing blockade. An immediate lifting of sanctions was the only way to promote and ensure the full enjoyment of all the rights of the Iraqi people. Clearly, the Special Rapporteur had not

complied with the guidelines for his work as set out in General Assembly resolution 51/105, which required objectivity, impartiality and non-selectivity.

11. The Government of Iraq totally rejected the recommendation concerning the deployment of human rights monitors as a dangerous precedent for interference in its internal affairs and a breach of the sovereignty and independence of States. The aim of the recommendation was to use human rights as a weapon to achieve the policies of certain dominating countries.

12. Mr. PINHEIRO (Special Rapporteur on the situation of human rights in Burundi), introducing his report (E/CN.4/1998/72), said that, during his fourth mission to Burundi, he had noted some improvement in the prevailing security conditions although the civil war still persisted in several regions particularly on the Tanzanian border. Security conditions for the residents of displaced persons' camps were precarious because of the limited capability of the army to protect them against rebel attacks. During the visits he had made to certain of those camps he had been struck by their unhealthy environment and the high level of malnutrition. On the other hand, operations to return people to their collines of origin had begun in several provinces.

13. It was difficult to assess the number of rebel troops in Burundi and their real impact on the civilian population because of the constantly changing situation, but the passage of rebel bands through several provinces had been accompanied by harassment of and atrocities against the civilian population. Many serious human rights violations could, however, be attributed to elements of the army or government forces. In either case, the majority of the victims were unarmed civilians, essentially children, women and the elderly. Women and children had borne the brunt of the crisis and the civil war. All too often, the women, having lost their menfolk, found themselves ill-prepared to act as heads of household.

14. It was most regrettable that the international community had not been able to deploy more human rights observers in Burundi. The 15 or so in place were overwhelmed by the high number of violations committed. For several months, the Office of the High Commissioner had been trying to purchase armoured vehicles in order to transport the observers safely to areas of the country known to be dangerous so as to provide a modest international presence there, as the Government of Burundi had requested.

15. The fact that the criminal courts had resumed operation and that some detainees had access to legal counsel were positive developments. The legal assistance programme, which was gradually helping to establish the rule of law and the need to respect the basic rights of citizens, was operating on a hand-to-mouth basis because of lack of resources. A significant increase in the number of arrests had resulted in a marked deterioration in prison conditions.

16. Democracy was still extremely fragile in Burundi, and there had recently been a number of attacks on the freedom of the press. However, the Minister for Human Rights, Institutional Development and Relations with the National Assembly had been endeavouring to adopt a new approach to human rights despite

the political and ethnic divisions. Economic sanctions had harmed the population and increased the country's dependence on international humanitarian assistance. They should not be used to punish an entire people.

17. The international community should speak with one voice in advocating a coherent approach to the various initiatives that were under way. There should be an immediate cessation of arms sales and trafficking throughout the Great Lakes region. The fact that the current Government of Burundi had no constitutional basis should not prevent the international community doing all it could to help the country lay the foundations for the rule of law by encouraging wherever possible positive initiatives by the authorities.

18. Mr. NINDORERA (Observer for Burundi) said that, although security had improved considerably throughout Burundi since the change of regime on 25 July 1996, there was still insecurity in some areas where rebels were attacking civilians and provoking confrontations with the authorities. Armed rebel bands bore the main responsibility for human rights violations in Burundi. They were responsible for kidnappings, laying anti-personnel and anti-tank mines and destroying primary schools and health centres.

19. The unjust and illegal embargo imposed on Burundi by its neighbours had had catastrophic effects, particularly for health, education, production and the cost of living, and constituted a serious infringement of economic, social and cultural rights. The embargo was an obstacle to the peace process as well as being contrary to the Universal Declaration of Human Rights.

20. His Government was aware of the shortcomings in the human rights situation, and was determined to deal with them. Discussions between the Government and the National Assembly should soon lead to the definition of a common platform that would transcend political and ethnic divisions and result in the establishment of a broader partnership. Moreover, the external political dialogue should shortly be relaunched: a delegation sent by the mediator, Mr. Nyerere, had just visited Burundi. The international community should support the peace process and intervene at the humanitarian level to help a people in distress.

21. His Government and people were grateful for the assistance provided by the Office of the High Commissioner for Human Rights and for the work of the Special Rapporteur. There were still acknowledged shortcomings in vital areas such as the judicial system and the conditions in which prisoners were held and the international community could do more to help. The Commission should condemn the embargo, support the peace process, call for an international criminal tribunal for Burundi and support programmes of humanitarian assistance, justice and human rights.

22. Mr. MOUSSALLI (Special Representative on the situation of human rights in Rwanda), introducing his report (E/CN.4/1998/60), said that it was based on three brief visits to Rwanda and provided information and made recommendations which, he hoped, would receive the Commission's support.

23. He had been very impressed by the Rwandan Government's commitment to promoting and respecting human rights in accordance with its international obligations. The welcome it had given, with the assistance of the

United Nations High Commissioner for Refugees (UNHCR), to the large number of repatriated refugees was remarkable evidence of that commitment. Another example was the agreement it had concluded in August 1994 with the High Commissioner for Human Rights which had led to one of the biggest human rights operations in the world. The Human Rights Field Operation in Rwanda (HRFOR) was still of vital importance and its capacity for providing technical assistance to government programmes to promote and strengthen dialogue and confidence between the various elements of Rwandan society should be increased. The necessary resources should be made available to the High Commissioner for the proposed review of the structure of HRFOR.

24. The presence in Rwanda of many members of the international community seeking to help the Government rebuild the country was very impressive but it was vital to coordinate and integrate the various technical assistance programmes so as to avoid confusion and achieve more focused targeting of priority programmes. The two most urgent technical assistance priorities were the administration of civil and military justice and the conditions of detention. Armed groups which had fled the country in 1994 were regularly infiltrating back to continue their programme of genocide. In responding to such attacks, some elements of the armed forces had committed human rights violations; the system of military justice was endeavouring to deal with those violations, but needed more resources to be effective.

25. Another element of his mandate was the establishment of an independent and effective National Commission on Human Rights, and his report contained details of the discussions he had held on the subject with the Rwandan authorities. The Government was determined to do its utmost to ensure that the National Commission would be an independent institution serving the entire nation and he was convinced that the National Commission could become the most effective instrument in Rwanda for promoting respect for human rights and could also make a great contribution to national reconciliation. It should work closely with the Office of the High Commissioner for Human Rights and should be given full financial and technical support by the international community.

26. To help Rwanda develop a genuine human rights culture and respect for human rights and fundamental freedoms, it was essential that the international community should take the initiative and develop an overall assistance plan that would combine programmes for human rights and a State subject to the rule of law together with all the contributions needed for the country's economic and cultural development and the physical security of its inhabitants.

27. Mr. GAHIMA (Rwanda) said that his Government had taken office in Rwanda following a period of unprecedented mass violence which had claimed at least a million lives and displaced almost the entire population. The institutions responsible for maintaining law and order had ceased to exist and their personnel had either been killed or gone into exile. The new Government had succeeded in ending the genocide, rebuilding institutions such as the police and local government which were needed to promote peace and stability, restoring law and order, repatriating and resettling between two and three million refugees and building up a new system of administration of justice. The judiciary was independent and its management had been taken out

of the hands of the executive and vested in a council of magistrates elected by the judges themselves. Legislation establishing an independent National Human Rights Commission had been enacted.

28. There was admittedly a problem of overcrowding in detention centres but the conditions there did not amount to cruel, inhuman or degrading treatment and the inmates were generally in better health than the rest of the population. The Government had extended prison capacity and released minors, elderly suspects and detainees with terminal illnesses and was contemplating additional initiatives to reduce the prison population.

29. While some criticism of the trials of genocide suspects had been valid, a great deal had been unfair and reflected a lack of familiarity with the civil-law system on the part of commentators having a common-law background. Legal representation had since been improved, suspects were given more time to prepare their defence, more defence and prosecution witnesses were called and adjournments were granted routinely on request.

30. The violence in the north-west of Rwanda was inextricably bound up with the events of 1994 and the sanctuary given to the perpetrators of the genocide in the former Zaire. As the international community had failed to separate combatants from genuine refugees in the camps, the latter had been held hostage by the killers, prevented from returning home and rearmed for a final campaign of genocide. Many of the refugees who had returned at the end of 1996 had access to weapons and had targeted survivors and witnesses of the genocide in recent massacres. He urged the Commission to condemn the renewed outbreaks of genocide unequivocally.

31. With regard to charges that the Rwandan armed forces had been involved in widespread violations of human rights against civilians, he said that evil forces masquerading as civilians, including women and minors, must be prevented from achieving their goal of exterminating an entire people. Every allegation of human rights violations by members of the security forces was investigated, and emphasis was placed on human rights education in military training courses.

32. HRFOR had been assigned the task of investigating the genocide and monitoring the evolving human rights situation but the first part of its mandate had been ignored and the monitoring exercise had been ineffective and lacking in transparency owing to poor leadership, inexperienced personnel and constraints imposed by United Nations security regulations. His Government felt that, following the return of the refugees, the mission's presence was no longer required and it should be replaced by new technical assistance arrangements to be agreed upon with the High Commissioner for Human Rights.

33. Renewing his Government's assurances to the Commission that efforts to improve respect for human rights would remain a priority, he stressed that the existing challenges could be met only if adequate resources were made available by the donor community.

34. Mr. MOLINA VALDIVIESO (Chile) said that the international community had a legitimate right to take action against grave and systematic violations of human rights, and that concern could in no way be interpreted as interference

in internal affairs or infringement of the sovereignty of States. His delegation was concerned, however, at the emerging tendency to use the Commission for political ends inconsistent with its mandate. At the current session, the question of cooperation had taken on a much higher profile than previously. Cooperation was of great relevance, since it should create the conditions for dialogue and for reducing the confrontation which had been a feature of debates in the Commission in recent years.

35. Cooperation was not a one-way street, however, and there must be a response from the State concerned, creating a mutual relationship between it and the international community. Any form of cooperation must be designed to strengthen and never to weaken, the existing mechanisms, whose value it should respect without prejudice to efforts to ensure the maximum impartiality and transparency. Lastly, the progress made must be effective and verifiable and needed to be monitored on a permanent basis.

36. Ms. GLOVER (United Kingdom), speaking on behalf of the European Union, the Central and Eastern European countries associated therewith and the associated country of Cyprus, said that, while Governments had primary responsibility for the protection of the human rights of those within their jurisdiction, they must recognize the right of the international community to address shortcomings through cooperation or, where necessary, criticism.

37. The Union recognized the need to put its own house in order. Promotion of the right to work remained a major concern and member States were drafting national action plans to implement the employment guidelines adopted by the European Council in November 1997. The Union had designated 1997 as European Year against Racism and established a European Monitoring Centre on Racism and Xenophobia in June 1997. The European Court of Human Rights had been made more effective and its judgements would continue to be binding on member States. The Union also welcomed the convening in Rome later in 1998 of a Diplomatic Conference to negotiate the status of an international criminal court.

38. The Union urged all States to ratify the main United Nations human rights instruments and live up to the standards they set. No country aligned with her statement had refused a visit by a United Nations human rights mechanism during the previous year.

39. While welcoming the establishment of democratic institutions in Chad, the Union remained concerned by continued reports of arbitrary arrests, torture, rape, deaths in detention and extrajudicial executions. Action by the security forces in disregard of the rule of law continued to go unpunished. The Union urged the Government and rebel forces to respect human rights and fundamental freedoms.

40. Welcoming the release of prisoners in Cuba following the visit to the country by His Holiness the Pope, the Union called on the Cuban Government to promote and respect fully human rights and fundamental freedoms, particularly the rights to freedom of expression and association, to release and integrate into society all persons imprisoned for the peaceful expression of political views, to cease harassment of some groups and to enter into dialogue with

them, to modify restrictive penal legislation, and to cooperate fully with the Special Rapporteur on the situation of human rights in Cuba and other international human rights mechanisms.

41. The Union was profoundly concerned by the human rights situation in the Democratic People's Republic of Korea, including the holding of prisoners of conscience and political prisoners, re-education through labour, separation of families and restrictions on freedom of expression. It called for greater access for United Nations mechanisms and non-governmental organizations (NGOs). The country continued to be bound by the International Covenant on Civil and Political Rights, denunciation of which was possible only with the consent of all the States parties.

42. While welcoming the renewed dialogue between the Government and opposition in Niger and the democratization process there, the Union continued to be concerned by the harassment of members of the opposition and obstacles to freedom of opinion and of the press. It urged the Government and all political forces to engage in a constructive dialogue with a view to restoring full democracy.

43. The human rights situation in Saudi Arabia continued to be of grave concern, particularly practices in places of detention, including torture and other inhuman treatment, shortcomings in the administration of justice, violations of women's rights, and barriers to freedom of expression, assembly and association and freedom of religion. While welcoming the agreement to allow freedom of non-Muslim worship in private and the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination, the Union urged the Government to withdraw its general reservations to the latter Convention and to consider ratifying other human rights treaties.

44. While most human rights violations in the Sudan occurred in the war zones, there continued to be reports of more widespread violations, including extrajudicial killings, arbitrary arrests, detention without due process, slavery and denial of freedom of religion, expression, association and peaceful assembly. The Union called on the Government to distance itself from terrorist groups and regional insurgencies, such as the "Lord's Resistance Army". It was also concerned about killings, abductions, looting and the sexual exploitation of children inside and outside the country. While recognizing that there had been some improvement, it called on all parties to the conflict to respect human rights and humanitarian law and urged the Government to cooperate with the Special Rapporteur and thematic rapporteurs, to allow unimpeded access for other monitors, aid agencies and international observers and to investigate alleged violations promptly, publish the findings and punish offenders. The Union would follow closely the Government's commitment in the draft constitution to respect and promote human rights.

45. Despite progress over the past two years, the Union continued to be concerned about the human rights situation in the Syrian Arab Republic, particularly arrest and detention procedures, prison conditions and the lack

of freedom of expression. It urged the authorities to engage in a dialogue and to consider further specific measures such as the release of more political prisoners.

46. The Union welcomed the progress towards peace, stability and democracy in Bosnia and Herzegovina but felt that more could have been achieved if the authorities there had contributed their fair share to the process. It condemned the obstructions placed in the way of returning refugees, particularly through discriminatory property laws and complacent law enforcement, and called on all parties to cooperate in the exhumation and identification of human remains. It reminded all sides of their obligation under the Dayton Peace Agreement to hand over those indicted for war crimes to the International Criminal Tribunal and welcomed the surrender of a number of Bosnian Serb and Croat indictees.

47. The Union welcomed the action by the Government of Croatia and the local community in Eastern Slavonia to achieve peaceful reintegration of the region. However, it urged the Government to demonstrate its unswerving commitment to reconciliation by ensuring the speedy two-way return of refugees, conclusive investigation of all reports of harassment, regardless of ethnicity, and to the rule of law. The Union trusted that Croatia would continue to cooperate with the International Criminal Tribunal and stressed the importance of prior consultation with the Organization for Security and Cooperation in Europe (OSCE), the Council of Europe and other relevant organizations in drafting and adopting legislation.

48. The Union reiterated its appeal to the Federal Republic of Yugoslavia to implement all OSCE recommendations in full, particularly those concerning dialogue with the opposition on democratization, freedom of the media, an independent judiciary and revision of the electoral system. It was deeply concerned at the situation in Kosovo and unreservedly condemned the violent repression of non-violent expressions of political views and the use of violence and terrorism to achieve political goals. The Union urged all sides to exercise restraint and called on the Serbian law-enforcement agencies to respect human rights and the rule of law. The International Criminal Tribunal should investigate recent events falling within its jurisdiction and an early visit by the Special Rapporteur on extrajudicial, summary or arbitrary executions would be welcome. The Union strongly urged the authorities in Belgrade and the leaders of the Kosovo Albanian community to resolve the situation peacefully.

49. The Union was deeply concerned by the continued conflict between insurgents and the Burundian army and the reports of widespread human rights violations, including large-scale extrajudicial killings, and fully supported the work of the United Nations Human Rights Field Operation in Burundi. While it welcomed efforts to improve the justice system and the closure of a number of regroupment camps, a great deal remained to be done to facilitate the return of all displaced persons to their homes. The Union supported the efforts of former President Nyerere and regional leaders to promote a dialogue and urged all concerned to work towards a negotiated settlement.

50. The Union was deeply concerned by human rights violations in Rwanda, particularly in the context of the conflict in the north-west, where unlawful

killings continued almost daily. It called on the Government to work for the security of all, notably the survivors and witnesses of the 1994 genocide and of returning refugees, and welcomed its commitment to strengthening the Military Prosecutor's Office, making government forces more accountable and establishing an independent human rights commission. The Union supported the monitoring by UNHCR and HRFOR and the work of the International Criminal Tribunal for Rwanda.

51. It welcomed the improvements in trial procedures and stressed the need for further strengthening of fair-trial guarantees and access to legal representation. The Union urged the Government to improve prison conditions and encouraged greater coordination between donor States, international organizations and NGOs and the Government to that end. The Union stood ready to assist the Government in working for national reconciliation, a key element of which was the strengthening of democratic institutions and processes. It urged the Government to show the utmost restraint in imposing the death penalty and encouraged the adoption of non-custodial measures to deal with certain categories of prisoners.

52. The Union was concerned about harassment of independent newspapers, media companies, journalists and human rights NGOs in Belarus and the arrest, detention and fining of organizers of demonstrations and protesters. It urged the authorities to work with the OSCE Advisory and Monitoring Group to develop democratic institutions and improve respect for human rights.

53. The Union called on the Cambodian authorities to comply with the recommendations of the Special Representative of the Secretary-General for Cambodia (E/CN.4/1998/95) and welcomed the offer by the High Commissioner for Human Rights to provide international experts to observe and advise on investigations and prosecutions relating to that report. It urged the Government to cooperate fully with the group of experts. The Union also reiterated the importance of holding free and fair elections in July 1998, guaranteeing the right of all political leaders to participate, allowing fair access to the media and ensuring a political climate without intimidation.

54. Dismayed by public executions in the Russian Republic of Chechnya in 1997, the Union urged the Chechen authorities to abide by the moratorium on application of the death penalty declared by the Russian Federation following its accession to the Council of Europe. It also urged them to guarantee secure conditions for the activities of humanitarian organizations.

55. The Union welcomed the establishment of a permanent office of the High Commissioner for Human Rights in Colombia but was concerned that the parties to the internal conflict, particularly the paramilitaries and guerillas, continued to show scant respect for human rights and humanitarian law and that killings, kidnappings, torture and forced disappearances continued unabated. It was also concerned about the high level of impunity, the increased threat to the safety of human rights workers and the dramatic increase in the number of displaced persons. The Union urged the authorities to step up measures to address those problems.

56. The Union reiterated its plea of 3 November 1997 to the President of the Republic of the Congo to respect human rights and refrain from persecution of

the country's former leaders, particularly through genocide trials. It called for the establishment of an inclusive political process at the earliest opportunity.

57. Despite some improvements in human rights in Equatorial Guinea, the Union was concerned about continuing systematic violations, including undemocratic rule, physical abuse of prisoners, torture, arbitrary arrest and detention, shortcomings in the judicial system, and restrictions on freedom of speech and the press, freedom of movement and freedom of association of opposition parties. It was particularly concerned about apparent discrimination against the Bubi ethnic minority. The Union looked forward to the implementation of the structural and electoral reforms announced by the President in November 1997.

58. The Union welcomed the progress in the human rights situation in Guatemala and urged the Government to reduce the level of violations further by fully implementing all the peace accords. It called on all parties, particularly the Government, the army and the Unidad Revolucionaria Nacional Guatemalteca (URNG) to cooperate fully with the Truth Commission (Comisión de Esclarecimiento Histórico). The Union trusted that the revised deadline for compensation of the victims of human rights violations would be met.

59. The Union was deeply concerned by the persistent political stalemate in Haiti and appealed to the authorities and political parties to find a solution to the crisis. It welcomed efforts to reform the police force.

60. The Union was concerned at the human rights situation in Indonesia, particularly the attempts to frustrate the activities of political groups, trade unions and the media, and would continue to follow closely the trials of trade unionists. While welcoming the work of the National Commission on Human Rights, it urged the Government to take effective measures to improve the human rights situation, give international humanitarian organizations unimpeded access to prisoners and ratify international human rights instruments.

61. The Union was concerned about continuing human rights violations in Kashmir and called for additional access for international human rights organizations and NGOs. It condemned all such violations and other acts of violence, including hostage-taking, and called on the Government of Pakistan to take effective measures to prevent armed infiltration from areas under its control. The Union welcomed the dialogue between the Governments of India and Pakistan and urged them to pursue meaningful talks with a view to reaching a lasting settlement in Kashmir.

62. The Union called on the Kenyan Government to take effective action to prevent torture and ill-treatment by the police and to bring to justice those responsible for human rights violations. Noting that many Kenyans had died or been displaced as a result of ethnic violence in the Coast and Rift Valley Provinces, it urged the Government to provide security for all and ensure that the perpetrators of violence were prosecuted. The recent multi-party elections, despite their shortcomings, represented a step towards greater democracy. The Union had welcomed the adoption by the Kenyan Parliament of

political reform laws and looked forward to a comprehensive revision of legislation as part of the constitutional review process, which should be inclusive and transparent.

63. The Union remained concerned about the human rights situation in Liberia, particularly in connection with the behaviour of police and security forces. It took note of the President's commitment to bring to justice those responsible for the murder of an opposition politician and welcomed the Government's decision to allow a banned radio station to resume broadcasting. The Union urged the President to promote human rights, the rule of law and national reconciliation and expressed the hope that the National Human Rights Commission would be allowed to investigate human rights violations.

64. The Union had strongly condemned the massacre of 45 civilians in Chiapas, Mexico, in December 1997 and had noted the assurances that the Mexican Government attached importance to the peaceful settlement of the conflict, and the tabling in Congress of a bill to strengthen constitutional recognition of the status and rights of indigenous communities. The Union called on the Government to ensure that those responsible for the massacre were brought to trial and welcomed the assurances to that effect given to the Commission by the Attorney-General of Mexico. The Union urged the Government to address the wider problem of impunity, e.g. where police officers were implicated in acts of torture or other crimes. It supported the work of the National Commission on Human Rights and of the human rights NGOs.

65. The Union welcomed the steps taken by the Peruvian Government to improve its human rights performance, in particular the abandonment of the "faceless judges" system and the extension of the mandate of the Ad Hoc Commission for Human Rights. It remained concerned, however, about the impunity of the security forces, torture, arbitrary arrest and detention, and poor conditions in prisons.

66. Welcoming the General Peace Agreement in Tajikistan, the Union trusted that the parties would implement its provisions in good faith and ensure that respect for human rights was a key element in economic and political reconstruction.

67. The Union was greatly concerned by continued reports of torture, extra-judicial killings, involuntary disappearances and restrictions on freedom of expression in Turkey and urged the Government to implement fully the reforms in human rights legislation to which it was committed. It regretted, in particular, the continued difficulties in prosecuting members of the security forces and delays in bringing to justice those accused of human rights violations. It welcomed the Government's invitations to the Special Rapporteur on the question torture and the Working Group on Enforced or Involuntary Disappearances to visit the country. Those visits should take place as soon as possible. The Union urged the Turkish authorities to respect the rule of law and human rights in addressing terrorism arising from the conflict in the south-east.

68. The Union was extremely concerned about continuing human rights violations in Afghanistan, particularly mass executions, public executions, other cruel and degrading forms of execution, executions of persons because of

their sexual orientation, torture and violations of the human rights of women and girls. The blockade of the province of Bamian threatened the lives of thousands of people. The Union reiterated its plea to all parties to recognize, protect and promote all human rights, fundamental freedoms and international humanitarian law, and to end discriminatory policies, allowing women and girls access to education and health facilities, employment outside the home, personal security and freedom from intimidation and harassment. The Union would support aid programmes which promoted peace and human rights but not those which discriminated on gender grounds. It urged all parties to respect the security and freedom of movement of humanitarian personnel and NGOs, regardless of gender.

69. The Union unreservedly condemned terrorist attacks against the Algerian population, including massacres, other murders, abduction and rape. It reiterated its solidarity with the people and called on the authorities to make every effort to protect them from attack. It urged the Government fully to respect and promote human rights and to abide by the rule of law and international human rights standards in the fight against terrorism.

70. The Union was concerned at allegations of arbitrary executions, arbitrary detention and torture of detainees, and urged the Government of Algeria to address those issues. It called on the Government to promote transparency through dialogue on human rights with the international community and to facilitate early visits by human rights mechanisms, particularly the Special Rapporteurs on the question of torture and on extrajudicial, summary or arbitrary executions.

71. In spite of some progress in Angola, the Union was deeply concerned about recent delays in completing the peace process and welcomed the agreement on a revised timetable to implement the remaining clauses of the Lusaka Protocol. It urged both sides, particularly the National Union for the Total Independence of Angola (UNITA), to adhere to the revised schedule.

72. The Union was convinced that the current situation in Cyprus was unacceptable. Continuing intercommunal tension demonstrated the urgent need to find a just, comprehensive and viable solution based on a bi-zonal, bi-communal federation in accordance with Security Council resolutions and high-level agreements. The Union fully supported the good offices mission of the Secretary-General and his Special Adviser on Cyprus and called on all parties to step up efforts to reach a comprehensive settlement. It hoped that the Committee on Missing Persons would continue to carry out its work successfully. The Union supported the efforts of the United Nations Force in Cyprus (UNFICYP) to implement its humanitarian mandate and called on all concerned to enable it to do so without hindrance.

73. The Union was concerned about the continuing problem of refugees from Bhutan in UNHCR camps in Nepal and called on the Governments of Nepal and Bhutan to find a just and lasting solution to the problem.

74. The Union was concerned about reports of human rights violations in Papua New Guinea, particularly those relating to Defence Force activities against rebels in Bougainville. Respect for human rights by all parties would

be best achieved by means of a negotiated peaceful settlement. The Union supported the Lincoln Agreement, which built on earlier commitments by all the parties to peace and reconciliation.

75. The Union condemned the human rights violations in Sierra Leone, including those perpetrated under the military junta, and hoped that restoration of the legitimate Government would lead to a rapid end to them. There was a risk of continued instability, and a peaceful future could be ensured only by a process of reconciliation, as had been envisaged under the Abidjan Peace Accord and Conakry Agreement.

76. The Union remained concerned by the continuing human rights violations in Somalia, which included the harassment and abduction of international humanitarian staff, lack of respect for the rule of law, absence of a fair judicial system and discrimination against women and girls, including the practice of female genital mutilation. Effective protection of human rights could come about only with the cessation of hostilities and the Union urged Somali leaders to continue their efforts towards a peaceful settlement and national reconciliation.

77. The Union called on all parties to the conflict in Sri Lanka to make every effort to reach a negotiated settlement. It condemned terrorist attacks by the Liberation Tigers Of Tamil Eelam (LTTE), including those carried out in the hope of provoking communal hostility. The Union welcomed the continuing efforts of the Government to restore normality to the Jaffna peninsula and to provide relief supplies to those in the Vanni displaced by the conflict, but was concerned by reports that insufficient food and medical supplies were getting through to refugees.

78. It welcomed the Government's commitment to improving its human rights record, including the establishment of the Human Rights Commission. There had been a significant reduction in "disappearances", but concern remained about the continuing ill-treatment of detainees, some disappearances, the intimidation of journalists, the killing of Tamil civilians and failures in many cases to prosecute violators. The Union urged the Government to address those issues.

79. The Union called on all countries to respect and promote all human rights, to allow access to United Nations human rights mechanisms and international humanitarian and human rights organizations and to establish and nurture democracy, which was the best protection for the human rights of all.

80. Ms. RUBIN (United States of America) said that human rights were too important to be left to consensus documents. The international community must stand up for those whose human rights were threatened or abused. The Commission should be helped to become even more effective, so that specific action could be taken when necessary. Indeed, the Commission should develop an early-warning function in the face of large-scale crises.

81. In that context, her delegation was particularly concerned about the situation in Kosovo. The Serbian authorities had been given full warning:

there was no justification for shelling villages, burning houses and murdering innocent people. The authorities in Belgrade should end repression and find a way to live in peace with the Kosovo Albanians.

82. Her Government had on numerous occasions expressed outrage at the brutal massacres of innocent civilians and the violent abuses directed against women and girls in Algeria. The international community could and should do more to help. Recent indications of greater Government openness to foreign parliamentary delegations and journalists were welcome, but there remained a need for greater transparency, by facilitating visits by concerned NGOs or by cooperating more fully with the Commission. She urged the Government, even as it took legitimate security measures consistent with the rule of law, to take full advantage of the international community's positive intentions.

83. The fact that her delegation was not pursuing a resolution on China at the current session did not mean that China's human rights violations - with 2,000 of its citizens in prison for "counter-revolution" and thousands of others detained without trial in "re-education through labour camps" - were no longer of concern. Her country and China had been engaged in a dialogue on human rights and it was encouraging that China had been somewhat more tolerant of dissent over the past year, had released political prisoners on medical parole or before the end of their terms and had continued to make progress in legal reform.

84. More needed to be done, however. Freedom of religion was still restricted and the fundamental freedoms of ethnic Tibetans continued to be limited, with the risk of undermining Tibet's unique cultural, religious and linguistic heritage. It was to be hoped that China would review the cases of all those serving sentences under the counter-revolution law that had been repealed.

85. Her Government welcomed China's signature of the International Covenant on Social, Economic and Cultural Rights and its stated commitment to sign the International Covenant on Civil and Political Rights, compliance with the provisions of which would go a long way towards easing the tensions between China and the international community. It would also act as a reassurance that the human rights of the people of Hong Kong would continue to be respected.

86. Cuba continued to swim against the tide of democracy and freedom. The Government showed no tolerance for those seeking to promote peaceful democratic change within the country. It had consistently failed to abide by the Commission's resolutions or to allow the Special Rapporteur to visit. As the latter's report (E/CN.4/1998/69) made clear, there had been no change with regard to the rights to non-discrimination on political grounds, freedom of expression, assembly and association. Independent journalists continued to be systematically harassed.

87. The Government of the Democratic Republic of the Congo had many problems inherited from the previous regime, but her delegation remained deeply troubled by the Government's unwillingness to cooperate with United Nations human rights investigators and NGOs. The Government should, as a matter of urgency, demonstrate its commitment to human rights.

88. The case of Nigeria offered ample evidence of the harm that Governments could do when they had no interest in their people's human rights. A proud and prosperous Nigeria had previously been a beacon of African hopes, but it had come to serve as a warning of what could befall a nation when its leaders ruled by force.

89. The same was true of Myanmar, where the regime was consumed with its own power to the detriment of those it should be serving. Among its many abusive practices, the most egregious was forced labour. The International Labour Organization (ILO) had been led to take the unusual step of establishing a Commission of Inquiry to investigate that region's violation of the Forced Labour Convention.

90. Her delegation continued to be troubled by the effects of 20 years of conflict in Afghanistan. It urged all parties to participate actively in the peace process and put into effect an immediate ceasefire, followed by negotiations. It was concerned by the massive human rights violations committed by all factions, including the Taliban's despicable treatment of women and girls. Women must be allowed to work so that they could feed their families and girls must be allowed to go to school.

91. Her Government had noted with interest the statements emerging from Iran since the election of President Khatemi. Nonetheless, it urged Iran to cease its persecution of religious minorities like the Baha'is, Christians and others. Iran's continued adherence to policies that violated international norms, such as support for terrorism and efforts to acquire weapons of mass destruction, was also a matter of deep concern.

92. In Iraq, the brutal oppression of the people continued, reflecting the regime's indifference to human rights. While Saddam Hussein built palaces and weapons of mass destruction for himself, the United States and the international community worked diligently to ensure that the Iraqi people had adequate supplies of food and medicine.

93. The newly independent States in Eastern Europe had taken commendable steps towards free markets and democratic governance, with the exception of Belarus, where the Government seemed determined to return to the discredited practices of a totalitarian past. It was also disquieting that corruption plagued many of the States in question. Her Government was working to help them strengthen their legal structures, but considerably more needed to be done to attract foreign direct investment and ensure that honest workers could be paid.

94. Her delegation saluted Nepal for hosting more than 90,000 refugees from Bhutan since 1991. It urged the two Governments to resume discussions at a suitably high level to resolve the refugee issue. Recent action by Bhutan to resettle northern Bhutanese in lands belonging to refugees and to force relatives of refugees to retire from the Bhutanese civil service would not contribute to a settlement.

95. There had been welcome progress in Northern Ireland, Guatemala and Mozambique and, as President Clinton had recently noted, there was everywhere in Africa a growing respect for tolerance, diversity and elemental human rights. It was to be hoped that, by its centenary, the promise of the Universal Declaration of Human Rights would be fulfilled for everyone.

STATEMENT BY THE MINISTER OF JUSTICE OF THE DEMOCRATIC REPUBLIC OF THE CONGO

96. Mr. NKONGOLO (Democratic Republic of the Congo) said that both the size of his delegation and his country's ratification of the International Covenants on Human Rights, together with their Optional Protocols, and the African Charter on Human and Peoples' Rights testified to his Government's commitment to respect for all human rights and to cooperation with United Nations bodies.

97. On emerging from colonial domination, his country had immediately been plunged into chaos, culminating in the assassination of the then Prime Minister, Patrice Lumumba. It would, however, have embarked on the democratic path if the former President Mobutu had not come to power, ushering in a retrograde, bloody and barbarous dictatorship that had lasted for 32 years. Respect for human rights had been non-existent, but Mobutu's masters had been unconcerned. On the contrary, he had been received with open arms in various countries.

98. The international community's concern for the Rwandan refugees in his country had allowed it to forget its degree of responsibility for the Rwandan genocide of 1994 and the refugee crisis, the former of which had precipitated the latter. Following the elimination of over a million Tutsis and moderate Hutus, the former authorities in Rwanda had, with the complicity of certain Member States of the United Nations, organized a mass exodus of people, including the perpetrators of the genocide, to the east of his country, in an operation endorsed by the United Nations but executed by France. It was notable that no mission of inquiry had been sent to Rwanda to determine who was guilty.

99. In the course of several weeks, the provinces of Nord-Kivu and Sud-Kivu had received around 2 million refugees, including members of the former Rwandan Armed Forces (FAR) and Interahamwe militias. Among the consequences had been the death of thousands of people from cholera and diarrhoea, the destruction of national parks, a price explosion and infrastructural degradation. For several months the international community had helped the refugees, without any concern for the local population.

100. The rehabilitation programme planned by UNHCR was totally inadequate to deal with the damage suffered by his country. He consequently urged that a United Nations mission, accompanied by a team of Congolese experts, should be sent to the Congo to make a correct assessment of the damage and work out a realistic rehabilitation programme.

101. The arrival in the Congo of former FAR and Interahamwe members, who had not been disarmed, had increased insecurity and the Rwandan genocide had continued on Congolese territory under the noses of all the humanitarian aid agencies. Ethnic conflicts in the Congo had been aggravated and had led to the destruction of the economic and social fabric. Those guilty of genocide had not been separated from ordinary refugees and military training had taken place in the refugee camps with help from Mobutu's forces, equipped by the United Nations, through the very Zairian contingent that was responsible for disarming refugees and separating the soldiers from the civilians.

102. The head of the Alliance of Democratic Forces for the Liberation of Congo-Zaire (AFDL), Mr. Kabila, had been constantly concerned about the fate of the civilian refugees. He had several times suggested truces and ceasefires to enable the aid agencies to repatriate the refugees to Rwanda. Provisions had continued to be supplied to refugees in areas occupied by the AFDL even when the war was at its height. The AFDL had organized departure points, run by humanitarian agencies such as the International Committee of the Red Cross (ICRC), in order to protect them. There was testimony on film to the care taken by AFDL of Rwandan refugees.

103. The AFDL had throughout the war helped United Nations aid agencies on the ground; coordination committees had existed in Bukavu and Goma. In February 1997, when it controlled only a part of the country, the AFDL had supported the Special Rapporteur's visit to Nord-Kivu to carry out an inquiry. In May 1997, the AFDL had received other emissaries from the United Nations, unhesitatingly accepting the inquiry in principle even if there were disagreements on details. Misunderstandings had occurred, but relations with the Commission hade improved. The Government had agreed that the inquiry should be extended until 31 May 1998, beyond the original mandate of 28 February.

104. Some members of the former Zairian Armed Forces had made a final attempt to sow insecurity in Kinshasa, by robbing and murdering peaceful citizens, but thanks to the National Police they had been put out of harm's way. Goods, vehicles and houses belonging to others, even those taken by members of the Congolese Armed Forces, had been returned.

105. He was aware that the suspension of political parties had raised doubts as to his Government's real desire to democratize the country. It was, however, a temporary measure while a constitutional framework was put into place to enable the political life of the country to be organized. That was necessary for the sake of public order and security, given that there were some 400 political groupings, most of them supported by militias.

106. The Government was working unceasingly to promote human rights and fundamental freedoms. The High Commissioner for Human Rights had opened an office in the Congo and there had already been collaboration between that office and both NGOs and Government departments. Various measures to promote human rights had been taken, including the establishment of a constitutional commission, which had almost finished its work. A genuine national army with respect for republican and patriotic values had been set up. The National Police had been restored, a Directorate-General for Migrations had been set up and the Improperly Acquired Property Office established. A human rights department had been set up within the Ministry of Justice.

107. The Government had established a three-year reconstruction plan to guarantee the Congolese people's right to an adequate standard of living. It had acted to control inflation and was preparing monetary reform. Arrears of salaries were gradually being paid to civil servants. It intended to coordinate the various sectors concerned with human rights in the interests of greater effectiveness and would shortly set up an interministerial

coordination committee, which would facilitate a partnership with international institutions and human rights organizations while maintaining respect for the country's sovereignty.

108. For various reasons, strong criticism had been directed, by the Special Rapporteur among others, against the leaders of the AFDL with regard to alleged human rights violations, but his Government had always acted out of a concern for national cohesion and public order. Such allegations could not be accepted without verification. Two cases had recently arisen: a human rights NGO had been banned and a member of the Secretary-General's investigation team had been questioned. The NGO had refused to abide by the country's new name and continued to wage a clandestine political campaign on matters far from its remit. It was an isolated case. The Government had authorized the functioning of 22 human rights organizations.

109. The questioning of Mr. Christopher Harland, a member of the United Nations investigation team, was due to suspicious and ill-considered behaviour on his part. He had attempted to leave the Democratic Republic of the Congo, without previously informing the authorities as he was supposed to do, and had presented his national passport, instead of his United Nations laissez-passer, at the Rwanda border. He had been refused entry into Rwanda and, on his return to the Democratic Republic of the Congo, had been questioned by the Congolese immigration service. Such an isolated incident in no way indicated a systematic policy of harassing the investigation team.

110. The international community should recognize that the country had a young regime which was doing its best to improve the human rights situation and, rather than demanding a total and immediate end to human rights violations, should support his Government's three-year programme to rebuild communications and infrastructures, rehabilitate the legal and prison systems, train the police and the army, provide human rights education in schools and universities and set up economic, social and democratization programmes.

The meeting rose at 1.10 p.m.